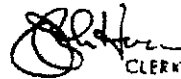


Attorney General

AUG 29 2013

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CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

CHARLES RUSSELL RHINES,*Petitioner,*

v.

CIV 00-5020-KES

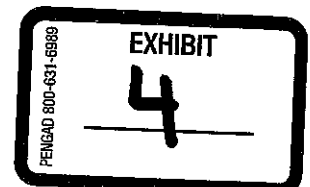
DARIN YOUNG, Warden,
 South Dakota State Penitentiary,
Respondent.

PROTECTIVE ORDER

This matter comes before the court on the parties' stipulated motion for protective order. This court has previously found valid and necessary cause for protecting the subject individuals in *Moeller v. Weber, et al.*, CIV. 04-4200 (D.Ct.S.D.)(DOCKET 188), and the identity and identifying information of execution team members is confidential by state statute. SDCL 23A-27A-31.2. Good cause thus appearing, it is hereby:

ORDERED that the names and any identifying information concerning execution personnel previously denominated as Deponents # 1, # 2, # 3 and # 4 in the matter of *Moeller v. Weber, et al.*, CIV. 04-4200 (D.Ct.S.D.), may not be disclosed to any person involved in this case or to any member of the public. Deposition transcripts of these deponents are sealed and may not be disclosed to anyone except counsel in this case and experts retained by counsel subject to this protective order. Counsel for petitioner, Charles Russell Rhines, shall not disclose copies of the transcripts to the petitioner;

IT IS FURTHER ORDERED that the name of the source of execution drugs is protected and may not be disclosed to anyone except petitioner's counsel, Dr. Mark Heath, Dr. Sarah Sellers, any other expert retained by the South Dakota Federal Public Defender Office (SFPDO), respondent's counsel and experts, and the court. The aforementioned persons who receive this information may not share it with anyone except the persons specifically identified in this order. The SDFPDO may not share the source of the execution drugs or any identifying information with petitioner. The SDFPDO may not use any information concerning respondent's drug source for any purpose except this litigation.

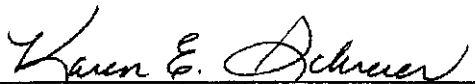


IT IS FURTHER ORDERED that respondent's experts, Dr. Heath and Dr. Sellers, are enjoined from discussing any aspect of the facts of, or their testimony or opinions in, the above-captioned case, other than the bare fact that they have served as experts in the case, with anyone other than the SDFPDO and their experts, respondent's counsel and their experts, and the court.

IT IS FURTHER ORDERED that all pleadings and deposition testimony should avoid the use of and redact any information tending to identify the manufacturer or supplier of execution drugs. If it becomes impossible to redact the name or identifying information in any pleading or testimony, the pleading or transcript will be filed under seal.

Dated this 29 day of August 2013.

BY THE COURT:



The Honorable Karen E. Schreier
United States District Court Judge

~~ATTEST:
JOSEPH HAAS, CLERK~~

~~By: _____
Deputy~~

~~SEAL~~